

Tier III country of a computer capable of operating at a speed in excess of 2,000 million theoretical operations per second by companies that participate in the Accelerated Strategic Computing Initiative program of the Department of Energy for calendar year 2000; to the Committee on Armed Services.

EC-2956. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled "Fort Irwin Military Lands Withdrawal Act of 2001"; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-124. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to muscular dystrophy; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 8

Whereas, Current federal funding for research on muscular dystrophy is insufficient given the disease's prevalence and severity, and this level of support does little to promote advances in research and treatment of the disease; and

Whereas, The term muscular dystrophy encompasses a large group of hereditary muscle-destroying disorders that appear in men, women, and children of every race and ethnicity, with the most common disorder, Duchenne muscular dystrophy, first appearing in early childhood or adolescence; and

Whereas, Furthermore, since genetic mutations may be a factor in any incidence of muscular dystrophy, anyone could be a carrier, and no family is immune from the possibility of the disease afflicting one of its members; and

Whereas, While the prognosis for individuals afflicted with a muscular dystrophy disorder varies according to patterns of inheritance, the age of onset, the initial muscles attached, and the progression of the disease, Duchenne muscular dystrophy is the most common fatal childhood genetic disease; and

Whereas, Because muscular dystrophy varies widely from one disorder to another, continuing research is important to understanding the disease, treating it, and working toward its prevention and cure; and

Whereas, Congressional funding for research by the National Institutes of Health on Duchenne and Becker muscular dystrophy does not reflect the severity of this disease, the importance of finding a cure, or the potential benefits that research in this area could have on other similar disorders; and

Whereas, To save lives and improve the quality of life for those already afflicted by this disease, it is imperative that the federal government take the initiative to increase funding for the research of Duchenne and Becker muscular dystrophy and, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to increase funding for research by the National Institutes of Health for the treatment and cure of Duchenne and Becker muscular dystrophy; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-125. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to NAFTA; to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION NO. 10

Whereas, While the North American Free Trade Agreement (NAFTA) has boosted the economy in Texas and the nation, the increase in heavy truck traffic has caused excessive wear on county and city roads that lie within the border commercial zone; and

Whereas, According to the Texas Border Infrastructure Coalition more than 77 percent of United States-Mexico trade passes through the Texas border region annually; in 1999 this amounted to 4.4 million trucks crossing the Texas-Mexico border carrying \$127.6 billion worth of commerce; and

Whereas, Many of these trucks exceed the weight limits imposed by both federal and state law, causing extensive damage to public roads and bridges, especially the "off-system" roads that are maintained by counties and municipalities, most of which are not designed to handle these heavy commercial trucks; and

Whereas, The Texas Department of Transportation estimates that there are more than 17,000 miles of load-posted roadways in Texas; many of these roadways are Farm-to-Market roads that were built in the 1940s and 1950s using design standards for a legal weight limit of 48,000 pounds, or approximately 60 percent of the weight of some of the heavier trucks today; and

Whereas, There are approximately 7,250 deficient bridges on off-system roads in Texas, and while the Texas Department of Transportation is in the process of upgrading these bridges, the scope of the bridge rehabilitation required means that, at current funding levels and practices, it could take decades to complete the undertaking, assuming no more bridges become deficient; it is important, therefore, that trucks be weighed before they are permitted to operate in the commercial border zone, so as not to cause further infrastructure damage; and

Whereas, In addition to contributing to the destruction of transportation infrastructure, overweight trucks pose safety hazards for other vehicles sharing the roads; the University of Michigan Transportation Research Institute estimates that as the weight of a truck goes from 65,000 to 80,000 pounds, the risk of an accident involving a fatality increases by 50 percent; and

Whereas, County and city governments within the commercial border zone would benefit greatly from having additional weigh stations situated in their jurisdictions and additional law enforcement officers to conduct weight inspections of commercial vehicles traveling on roads that they maintain; and

Whereas, While the entire nation benefits from NAFTA, the local governments along the Texas-Mexico border must bear the high cost of overweight truck inspections and repairing damage to the roads resulting from the increase in heavy commercial vehicle traffic on the off-system roads; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby urge the United States Congress to create a federal category under the NAFTA agreement, for NAFTA traffic-related infrastructure damage, to provide counties and municipalities with funding for commercial vehicle weigh stations within the 20-mile commercial border zone; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United

States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-126. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to border ports of entry and high-priority transportation corridors; to the Committee on Appropriations.

SENATE CONCURRENT RESOLUTION NO. 25

Whereas, The current presidential administration has indicated that it will allow Mexican trucks at least partial access to U.S. highways beyond the commercial border zone that was established in 1993 to limit the movement of Mexican trucks until certain basic infrastructure and safety concerns had been addressed; and

Whereas, The opening of the Texas border to Mexican trucks will unfairly impact the three border transportation districts in Pharr, Laredo, and El Paso without a commensurate increase in the commitment of money by the federal government; and

Whereas, The Texas Senate Special Committee on Border Affairs was given several study charges during the 1999-2000 interim, including assessing the long-term intermodal transportation needs of the Texas-Mexico border region, evaluating the planning and capacity resources of the three Texas Department of Transportation (TxDOT) border districts, and overseeing the implementation of federal and state one-stop inspection stations to expedite trade and traffic; and

Whereas, The senate committee reported that Texas border crossings account for approximately 80 percent of United States-Mexico truck traffic, but the state is awarded only 15 percent of the federal funds allocated for trade corridors; information from TxDOT indicates that Texas receives considerably less than its fair share of discretionary funds allocated by the federal government; recent estimates by TxDOT indicate that, even though Texas is the second largest state in the nation, the state currently receives only 49 cents on the dollar in federal highway discretionary program funds; and

Whereas, The border ports of entry are the primary gateway for commerce for Texas and the nation but have become an economic choke point as a result of the staggering volume of traffic they must handle; in 1997, more than 2.8 million trucks crossed into and from Mexico; and

Whereas, In July 1999, the General Accounting Office (GAO) reported that NAFTA-related traffic along the border region has taxed the local and regional transportation infrastructure and that the resulting lines of traffic, which can run up to several miles during peak periods, are associated with air pollution caused by idling vehicles; and

Whereas, The GAO also cited federal and local officials' concerns about congestion affecting safety around the ports of entry and noted that congestion can have a negative impact on businesses that operate on a just-in-time schedule and rely on regular cross-border shipments of parts, supplies, and finished products; and

Whereas, The senate committee reported that in the last decade total northbound truck crossings, from Mexico into Texas, increased by 215.8 percent, while vehicle crossings increased by 59 percent and pedestrian crossings by 18.5 percent; in that same period, southbound truck crossings from Texas to Mexico increased by 278.1 percent to 2.1 billion crossings, vehicle crossings by 53.9 percent to 37.9 million crossings, and pedestrian crossings by 30.8 percent to 18.5 million crossings; and

Whereas, According to some estimates, heavy truck traffic is expected to increase by 85 percent during the next three decades and severely degrade existing roads and bridges; according to TxDOT officials, one fully loaded 18-wheel truck causes as much damage as 9,600 cars; with such a significant increase of trade and cross-border activity in the border ports of entry and the border transportation districts, state and federal leaders have cause for concern about whether the current infrastructure can continue to support Texas' economic growth and, in particular, trade with Mexico; and

Whereas, The Texas Department of Economic Development (TDED) reported last year that Mexico is Texas' largest export destination and has been a chief contributor to the state's export growth; in 1999, exports to Mexico accounted for 45.5 percent of the state total and were valued at \$41.4 billion; and

Whereas, The TDED has concluded that Texas accounts for 20.8 percent of the total U.S. exports to the North American market, largely because of very high export levels to Mexico; in recent years, Mexico has become the nation's second largest market, and Texas' ties to Mexico are the primary contributors to the state's high share of overall U.S. exports; and

Whereas, The comptroller of public accounts of the State of Texas has reported that exports account for 14 percent of our gross state product, up from six percent in 1985; in 1999, \$100 billion in two-way truck trade passed through the Texas-Mexico border; NAFTA economic activity has tripled on the border, and trade with Mexico accounts for one in every five jobs in Texas; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States and the president of the United States, in light of the proposed change in federal policy that will further open the border areas to Mexican truck travel, to recognize the unique planning, capacity, and infrastructure needs of Texas' border ports of entry and the high-priority transportation corridors; and, be it further

Resolved, That the Texas Legislature request the congress and the president to recognize the impact of this policy by earmarking \$3 billion to fund the construction of one-stop federal and state inspection facilities that are open 24 hours per day along the Texas border region, as well as to fund infrastructure improvements and construction projects at border ports of entry; and, be it further

Resolved, That the Texas Legislature urge the congress to rectify the funding imbalance that Texas has historically experienced from the federal government, as evident in the fact that, although Texas handles 80 percent of all NAFTA-related traffic and is the second largest state in the nation, it has been awarded only 15 percent of the federal funds allocated for high-priority trade corridors; and, be it further

Resolved, That the Texas Legislature request that the congress and the president also increase the percentage in federal discretionary money that Texas has historically received by earmarking \$4 billion for critical NAFTA-related planning, capacity, and right-of-way acquisition needs and \$3 billion for immediate construction, maintenance, and planning needs for rural roadways that are impacted by NAFTA-related traffic, as well as those of emerging NAFTA-related corridors; and, be it further

Resolved, That the Texas Legislature urge the congress and the president to reaffirm their commitment to public safety in Texas as well as in the United States by earmarking \$1 billion for law enforcement need-

ed to prepare for the influx of Mexican trucks with access to travel throughout the border and beyond; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house or representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-127. A concurrent resolution adopted by the Senate of the legislature of the State of Texas relative to the removal of trade, financial, and travel restrictions relating to Cuba; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION No. 54

Whereas, The relationship between the United States and Cuba has long been marked by tension and confrontation; further heightening this hostility is the 40-year-old United States trade embargo against the island nation that remains the longest-standing embargo in modern history; and

Whereas, Cuba imports nearly a billion dollars' worth of food every year, including approximately 1,100,000 tons of wheat, 420,000 tons of rice, 37,000 tons of poultry, and 60,000 tons of dairy products; these amounts are expected to grow significantly in coming years as Cuba slowly recovers from the severe economic recession it has endured following the withdrawal of subsidies from the former Soviet Union in the last decade; and

Whereas, Agriculture is the second-largest industry in Texas, and this state ranks among the top five states in overall value of agricultural exports at more than \$3 billion annually; thus, Texas is ideally positioned to benefit from the market opportunities that free trade with Cuba would provide; rather than depriving Cuba of agricultural products, the United States embargo succeeds only in driving sales to competitors in other countries that have no such restrictions; and

Whereas, In recent years, Cuba has developed important pharmaceutical products, namely, a new meningitis B vaccine that has virtually eliminated the disease in Cuba; such products have the potential to protect Americans against diseases that continue to threaten large populations around the world; and

Whereas, Cuba's potential oil reserves have attracted the interest of numerous other countries who have been helping Cuba develop its existing wells and search for new reserves; Cuba's oil output has increased more than 400 percent over the last decade; and

Whereas, The United States' trade, financial, and travel restrictions against Cuba hinder Texas' exports of agricultural and food products, its ability to import critical energy products, the treatment of illnesses experienced by Texans, and the right of Texans to travel freely; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to consider the removal of trade, financial, and travel restrictions relating to Cuba; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-128. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the addition of 18 federal judges and commensurate staff to handle the current and anticipated caseloads along the United States-Mexico border, to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION No. 12

Whereas, The strategy of the United States Department of Justice to reduce crime along the United States border by focusing on illegal immigration, alien smuggling, and drug trafficking generated an explosion in arrests by agents from the United States Customs Service, the Drug Enforcement Administration, and the Immigration and Naturalization Service at border checkpoints; and

Whereas, In 1999, the five federal southwestern judicial districts along the border, including two in Texas, received 27 percent of all criminal case filings in the United States while the other 73 percent were spread among the country's remaining 84 federal district courts; and

Whereas, From 1996 to 1997, the total number of federal criminal cases filed in the Western and Southern districts of Texas doubled, and from 1997 to 1999, the number of drug cases filed in the Western District of Texas increased 64 percent and 100 percent in the Southern District of Texas; and

Whereas, Judicial resources in the five southwestern border districts have increased by only four percent, and since 1990, congress has not approved any new judges for the Western District of Texas, which leads the nation in the filing of drug cases; and

Whereas, As a result of the federal courts being inundated by this unprecedented number of new drug and illegal immigration indictments, the federal authorities no longer prosecute offenders caught with less than a substantial amount of contraband; these cases are instead referred to the local district attorneys in the border counties of Texas to prosecute; and

Whereas, As a result, local governments in the border counties, who are among the poorest in the United States, are being overwhelmed with the costs involved in prosecuting and incarcerating federal criminals; and

Whereas, The annual cost to prosecute these federal criminal cases ranges from \$2.7 million to approximately \$8.2 million per district attorney jurisdiction, and it is anticipated that the total cost will reach \$25 million per year; and

Whereas, The federal government has infinitely more resources than state and local governments and in turn must shoulder a larger portion of the financial burden; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to authorize an additional 18 federal judges and commensurate staff to handle the current and anticipated caseloads along the United States-Mexico border and to fully reimburse local governments for the costs incurred in prosecuting and incarcerating federal defendants; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the Senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-129. A concurrent resolution adopted by the Senate of the Legislature of the State

of Texas relative to federal and state controlled emission sources; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 35

Whereas, Air pollution has a potentially serious impact on the health of many Americans, including a majority of the nearly 21 million residents of the State of Texas, and is a matter of concern to both federal and state governments, which share a responsibility to clean up the environment and protect the public health; and

Whereas, In metropolitan areas where the problem is most severe, achieving federally mandated reductions in the emission of certain pollutants within the time lines established by the United States Environmental Protection Agency (EPA) will be possible only through an appropriate combination of federal, state, and local actions, including not only stringent local and state emission controls but also the timely implementation of federal controls; and

Whereas, Emissions may be regulated by either the state's environmental regulation agency or the federal government, depending on their origin; and

Whereas, For example, emissions from an industrial facility, such as a utility company or petroleum refinery, are subject to state regulations, while gasoline and diesel fuel standards and emissions from aircraft, airport ground support equipment, automobiles, trucks, marine engines, and locomotives are all federally controlled; and

Whereas, Under recent federal action, the EPA will require buses and commercial trucks to produce 95 percent less pollution than today's buses and trucks and will require the amount of sulfur in diesel fuel to be reduced by 97 percent; these measures alone are expected to cut air pollution by as much as 95 percent; and

Whereas, At issue is the fact that the low-sulfur diesel fuel provisions will not go into effect before 2006, and diesel fuel engine manufacturers will have flexibility in meeting the new emission standards due to phase in between 2007 and 2010; the slow rate of turnover among commercial fleets means that these federal emission control measures will likely have little effect until several years after that, when a sufficient number of these trucks and buses are in operation; and

Whereas, Currently, the State of Texas has nine metropolitan areas that either have been designated as nonattainment areas by the EPA or are close to exceeding the National Ambient Air Quality Standards (NAAQS) for one or more of the regulated pollutants; these nonattainment or near-nonattainment areas have been given strict time lines for their emission reduction efforts based on the severity of pollution in the area; and

Whereas, Because of the lengthy time line for the reduction of emissions from federally controlled sources, the federally mandated attainment date for some NAAQS nonattainment regions in Texas, such as the Houston-Galveston-Brazoria area, will arrive long before the effects of federal air quality improvement efforts can be realized; and

Whereas, Texas is forced to require state-controlled emission sources to make significant reductions in pollution in a relatively short period of time while federally controlled sources continue to contaminate the state's environment; and

Whereas, The incongruence in the federal and state time lines for emission reductions places an undue burden on the state to lower air pollution significantly enough to be in attainment with the NAAQS without a corresponding decrease in emissions from any of the myriad federally controlled emission sources; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to require federally controlled emission sources to reduce their emissions by the same percentages and on the same schedule as state-controlled sources; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM-130. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the federal regulation relating to the three-shell limit and the magazine plug requirement found in 50 C.F.R. Section 20.21; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 28

Whereas, During the late 19th and early 20th centuries, the harvesting of migratory game birds for subsequent resale, or "market hunting," was widespread, and this wasteful method led to federal regulations to eliminate the practice in all 50 states; and

Whereas, One regulation adopted to curtail this practice limits the number of shells a shotgun can hold to no more than three and requires shotgun magazines to have a plug to effect the three-shell limit; and

Whereas, In the ensuing years, additional regulations have been enacted to protect migratory game birds, such as the current federal and state daily or seasonal bag limits that regulate the number of game birds that can be killed or possessed by a hunter, making the three-shell limit and the magazine plug requirement unnecessary and archaic; and

Whereas, Enforcing outdated regulations wastes limited law enforcement resources that could be better utilized enforcing other hunting laws, such as bag limits; and

Whereas, A game bird wounded by a third shot that cannot subsequently be killed by a fourth shot suffers an inhumane death and is a waste of game resources; and

Whereas, The greater frequency of loading a shotgun necessitated by the three-shell limit creates a safety hazard for the hunter; and

Whereas, Because migratory game birds can be protected by other federal and state regulations, the enforcement of the three-shell limit and magazine plug requirement is no longer necessary and should be discontinued; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to repeal the federal regulation relating to the three-shell limit and the magazine plug requirement found in 50 C.F.R. Section 20.21; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-131. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to designating threatened

species and critical habitat for the Arkansas River shiner; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 51

Whereas, Under rules adopted on November 23, 1998, the Fish and Wildlife Service of the United States Department of the Interior listed the Arkansas River shiner (*Notropis girardi*), a minnow whose present range includes portions of the Canadian River in Texas, as a threatened species pursuant to the federal Endangered Species Act; and

Whereas, Subsequent rules adopted on April 4, 2001, which follow from policy reconsideration stipulated in an agreed settlement order, designate 1,148 miles of river segments in the Arkansas River basin—including over 100 miles of the Canadian River in Oldham, Potter, and Hemphill counties in Texas—as critical habitat for the species; and

Whereas, This state's Parks and Wildlife Department recommended against listing the Arkansas River shiner as an endangered or even threatened species because such a listing was scientifically unsound and unnecessary; and

Whereas, The Fish and Wildlife Service refused to enter a Memorandum of Understanding concerning recovery of the Arkansas River shiner with the states of Texas and Oklahoma, yet in its recent rule adoption notice concedes that ideally a recovery plan should precede critical habitat designation; and

Whereas, Its designation, which becomes effective on May 4, 2001, includes a portion of the Canadian River that makes up the headwaters of Lake Meredith, and as such could potentially interfere with the reservoir's water supply and flood control functions; and

Whereas, Critical habitat designation enhances the likelihood that the Endangered Species Act of 1973, as amended, might be used as a vehicle for direct regulation of Texas groundwater and surface water use by the federal government or the federal courts; and

Whereas, Notwithstanding its recent final rule adoption, the Fish and Wildlife Service states that it continues to solicit additional public comments on the issue toward possible new approaches to recovery planning; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby urge the United States Department of the Interior to reconsider the necessity of designating the Arkansas River shiner as a threatened species and the necessity of designating critical habitat in Texas for the Arkansas River shiner; and, be it further

Resolved, That the 77th Legislature of the State of Texas urge the Parks and Wildlife Department and the Office of the Attorney General to take all reasonable steps to ensure that portions of the Canadian River in Texas be designated as critical habitat only to the extent that such designation is absolutely necessary, scientifically justifiable, and economically prudent; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the secretary of the interior, to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America; and, be it further

Resolved, That the Texas secretary of state forward an official copy of this resolution to the executive director of the Parks and Wildlife Department and to the attorney general of Texas.

POM-132. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the reduction of pollution and the protection of the environment through the implementation of federal regulations; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 22

Whereas, The reduction of pollution and the protection of the environment is of great concern to both the federal government and the Texas Legislature; and

Whereas, To protect its natural resources and environment as effectively as possible, Texas needs greater flexibility in its implementation of federal regulations; and

Whereas, The current command-and-control approach instituted by the United States Environmental Protection Agency to limit pollution at the state level through the use of a federally mandated permitting process has proven to be moderately successful at reducing pollution, but it is also an overly prescriptive process that is unduly burdensome and costly to both the states and the regulated facilities relative to the results achieved; and

Whereas, Alternative paradigms are available, including outcome-based assessment methods that allow the state to measure the actual reduction of pollution rather than simply monitoring each facility's compliance with its permit; and

Whereas, States should be given greater latitude to implement innovative regulatory programs and other pollution reduction methods that vary from the current model, which requires states to adhere strictly to the federally mandated permitting process; and

Whereas, Providing this flexibility would allow states such as Texas to tailor appropriate and effective approaches to state-specific environmental problems rather than expending resources to ensure compliance with one-size-fits-all regulations that place an inordinate emphasis on procedural detail; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the United States Environmental Protection Agency to provide maximum flexibility to the states in the implementation of federal environmental programs and regulations; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the administrator of the United States Environmental Protection Agency, to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-133. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to amending provisions of the Internal Revenue Code of 1986, as added by PL 106-230; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 77

Whereas, In an attempt to enact meaningful campaign finance reform legislation, the 106th Congress of the United States passed the Full and Fair Political Activities Disclosure Act (Public Law 106-230), which imposed notification and reporting requirements on political organizations claiming tax-exempt status under Section 527 of the Internal Revenue Code; and

Whereas, Public Law 106-230 took effect July 1, 2000, four days after its introduction; the rapidity of its passage through congress reflected the lawmakers' sense of urgency to

act, but it also suggests that adequate time was not provided for deliberation of the full ramifications of certain provisions; and

Whereas, The goal of this legislation was to respond to certain political organizations, known as "stealth PACs," that were able to raise and spend unlimited amounts of money for political advocacy without having to disclose the sources and amounts of donations, all while enjoying tax-exempt status; and

Whereas, While the Texas Legislature supports the laudable goal of holding all participants in the political process accountable to the public, the members of this body believe that this well-intentioned Act has had unintended consequences and has adversely affected individuals and organizations beyond its original intent; and

Whereas, Public Law 106-230 imposes duplicative and burdensome federal reporting and disclosure requirements on local and state candidates, their campaign committees, and local and state political parties that already are required to file detailed reports with their respective state election officials; and

Whereas, These requirements have created a paperwork nightmare for entities that are clearly outside the intended scope of PL 106-230 without significantly adding to the body of information available to the public; and

Whereas, A remedy in the form of an exemption for those entities or an exception for information reported and filed elsewhere with state officials would not violate the intention of enforcing public accountability, since the individuals and organizations affected already are required to report and disclose to the state the same information that PL 106-230 now requires them to report to the Internal Revenue Service; nor would it be unprecedented, since a similar exemption already exists for candidates, campaign committees, and party organizations engaged in federal elections, who are required by FECA to report that information to the Federal Election Commission; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to amend provisions of the Internal Revenue Code of 1986, as added by PL 106-230, to exempt state and local political committees that are required to report to their respective states from notification and reporting requirements imposed by PL 106-230; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-134. A concurrent resolution adopted by the Senate of the Legislature relative to providing tax credits to individuals buying private health insurance; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 37

Whereas, Almost 90 percent of all health insurance is paid for by and through employer programs, providing the majority of American workers with affordable access to health care; and

Whereas, Generous federal tax code provisions that make employee contributions to employer-provided health insurance fully deductible from federal individual income taxes allow employees participating in such plans to purchase the coverage they need in a cost-effective manner; and

Whereas, Some employers benefit from the health insurance they provide since the tax

code also allows them to deduct the cost of the health insurance they offer employees from their corporate income taxes as a business expense; and

Whereas, Not everyone is fortunate enough to be able to participate in an employer-provided health plan, and those who purchase private health insurance do not receive tax breaks of any kind; for these individuals, a dollar in pretax wages may buy only 50 cents' worth of health insurance after federal, state, and local taxes are taken out; and

Whereas, Congress has responded to this issue with the 1999 Omnibus Appropriations Act, which gives a 60 percent tax deduction for insurance expenses to those who are self-employed; this deduction is scheduled to rise to 100 percent by 2003; and

Whereas, For individuals who purchase private health insurance and bear the full cost of a policy without the benefit of an employer's contributions, this deduction does little to make that private insurance affordable, since tax deductions provide a less substantial tax break than tax credits; while a tax deduction is subtracted from a person's income when calculating taxes, a tax credit is subtracted from the person's bottom line of taxes owed; and

Whereas, Tax credits will give consumers more choice in health plans because employees would no longer be limited to insurance offered by employers; furthermore, consumers who bought their own private health insurance could maintain their coverage even if they changed jobs without any lapse in coverage; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to provide tax credits to individuals buying private health insurance; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-135. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to amending the Internal Revenue Code of 1986 to allow for the issuance of tax-exempt bonds for the purpose of financing air pollution control facilities nonattainment areas; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 226

Whereas, The Houston-Galveston-Brazoria (HGB) area is classified as a serious nonattainment area and the Beaumont-Port Arthur (BPA) area is classified as a moderate nonattainment area for the one-hour ozone standard and both are likely to be classified as nonattainment areas for the proposed eight-hour ozone standards and for the particulate matter 2.5 standards, should those standards be reinstated; and

Whereas, The State of Texas recently submitted revisions of its State Implementation Plan (SIP) for the HGB and BPA areas the United States Environmental Protection Agency (EPA) outlining measures that will be taken in order to achieve compliance with the National Ambient Air Quality Standards for ozone; and

Whereas, For the HGB and BPA areas to be classified as in attainment for ozone, the regions must make significant reductions in air containment emissions from several types of sources, including industrial point

sources such as petroleum refineries and chemical plants; and

Whereas, Strategies aimed at controlling industrial emissions target specific industries and facilities, requiring them to bear up front the high costs of installing emission control technologies; and

Whereas, While pollution control technologies can be effective in reducing emissions, the technology that many companies are required to purchase by the ozone SIP can cause a tremendous financial strain on an individual entity and affect entire industries; and

Whereas, Some industries, including agricultural, chemical production, gasoline terminals, and oil and natural gas production and petroleum refineries, must purchase costly maximum achievable control technology in order to be in compliance with the ozone SIP; and

Whereas, The Texas Gulf Coast has a crude operable capacity of 3,462 barrels of refined petroleum products per calendar day, i.e. 84.6 percent of the Texas total and 21.9 percent of the U.S. total; and

Whereas, The HGB area is home to more than 400 chemical plants employing more than 38,200 people and the BPA area is home to numerous chemical plants and industrial operations employing more than 20,000 people; and

Whereas, The Houston Gulf Coast has nearly 49 percent of the nation's base petrochemicals manufacturing capacity; this is more than quadruple the manufacturing capacity of its nearest U.S. competitor; and

Whereas, Many of the commodities produced in this area are distributed throughout the nation, yet, while the entire country benefits from the petroleum refining and petrochemical industries, these industries must bear the up-front costs of environmental compliance while faced with global competition without significant federal assistance; and

Whereas, Currently, the federal government authorizes the issuance of tax-exempt facility bonds to finance the building of installations that are used for the public good, such as airports, water plants, sewage and solid waste systems, and some hazardous waste facilities; however, since 1986, such bond issues have no longer been authorized for air pollution control facilities; and

Whereas, The reduction of air pollution clearly benefits all residents of the state, and air contaminant emission reductions are mandated by the federal government in non-attainment areas; given the severity of the up-front financial costs that are to be incurred in order to reduce the air contaminant emissions in Texas nonattainment areas, restoring the previous provision that allowed the issuance of tax-exempt facility bonds to finance air pollution control facilities would significantly enhance the ability of regions such as the Houston-Galveston-Brazoria and Beaumont-Port Arthur areas to meet applicable National Ambient Air Quality Standards and avoid future sanctions; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to amend the Internal Revenue Code of 1986 to allow for the issuance of tax-exempt facility bonds for the purpose of financing air pollution control facilities in nonattainment areas and to provide that such tax-exempt facility bonds issued during the years of 2003, 2004, 2005, 2006, or 2007 for the construction of such air pollution control facilities not be subject to the volume cap requirements; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the

speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-136. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to establishing a separate Federal Medical Assistance Percentage for the Texas-Mexico border region; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 214

Whereas, The Texas-Mexico border region suffers from an inadequate medical infrastructure that has led to disparities in access to health care between the border region and the rest of the state; and

Whereas, Statewide in 1998, there was an average of 270 Medicaid-eligible patients for every physician participating in the Medicaid program, but in the border counties where there were participating physicians, the number of eligible patients per physician ranged from a low of 416 in El Paso County to a high of 1,361 in Starr County; in two counties, Presidio and Zapata, there were no participating physicians at all to serve the Medicaid-eligible population; and

Whereas, The border region historically has had high patient-to-physician ratios, resulting in limited access to health care services and reduced utilization rates for these services; in addition, the availability of medical care in Mexico may also reduce utilization rates for the region; and

Whereas, Low utilization rates along the border create a distorted assessment of the actual demand for services and inappropriately drive down the capitated reimbursement rates for both Medicaid and the Children's Health Insurance Program (CHIP); and

Whereas, The average per-recipient reimbursement for the border region is 16 percent less than the statewide average, which creates a disincentive for health care providers to locate and provide services to Medicaid clients in the region; furthermore, low reimbursement rates complicate already limited access to health care as existing providers either leave the program or limit their participation; and

Whereas, Current Medicaid and CHIP reimbursement rates simply trap the Texas-Mexico border counties in a cycle of limited access to care, low utilization rates, and low reimbursement rates, all of which further damage the medical infrastructure of the region and create greater barriers to health care access for Medicaid and CHIP clients; and

Whereas, The unique issues facing the border may not be apparent when evaluations of the state as a whole mask discrepancies between the border and the rest of the state; calculating the federal share of the state's Medicaid costs, or the Federal Medical Assistance Percentage (FMAP), using the state's per capita income may not provide an accurate assessment of the border region's needs; and

Whereas, Establishing a separate FMAP for the border region would recognize these unique circumstances and allow current state Medicaid funding in the region to draw down additional federal funds that would help eliminate the reimbursement disparity; and

Whereas, Unless this disparity is resolved, the region will continue to suffer from an inadequate health care infrastructure that is unable to address the medical needs of the border residents; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to establish a separate Federal Medical Assistance Percentage for the Texas-Mexico border region; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-137. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to the SS Leopoldville; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 201

Whereas, On Christmas Eve 1944, while carrying American soldiers of the 66th Infantry Division to reinforce Allied troops fighting the Battle of the Bulge, the SS Leopoldville was sunk in the English Channel by a U-boat torpedo, resulting in the loss of 763 members of the 262nd and 264th regiments, including 35 Texans; and

Whereas, The underwater grave, located five and a half miles off the coast of Cherbourg, France, cradles to this day the remains of 493 unrecovered and entombed American servicemen who have been honored by monuments erected across the United States in their memory; and

Whereas, World War II combat and wreckage locations, including many at sea, have fallen prey to plunderers and looters who, in seeking souvenirs and commercial reward, have desecrated the memory of our valorous combatants and their final resting places; and

Whereas, The wreckage of the SS Leopoldville is threatened by the practice of divers who descend to remove such artifacts as brass, portholes, and other parts of the ship and who, if unchecked, may begin to extract the personal effects and military equipment of the deceased and in so doing disturb the sanctity of their burial site; and

Whereas, The State of New York has issued a proclamation in memory of the victims of the SS Leopoldville, and at least a dozen like measures have been passed by other states to commemorate the men who lost their lives in this tragedy and to ensure that they continue their silent rest in dignity; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby honor the American servicemen who were lost when the troopship SS Leopoldville was sunk by an enemy torpedo on December 24, 1944; and, be it further

Resolved, That the Texas Legislature respectfully memorialize the Congress of the United States to take appropriate action to prevent further desecration of the SS Leopoldville or any of its contents; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-138. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the Minerals Management Service plan to proceed with the Outer

Continental Shelf Lease Sale 181; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 34

Whereas, A strong domestic oil and gas industry is vitally important to the United States economy and national defense; and

Whereas, This nation's domestic oil and gas production has decreased by 2.7 million barrels per day during the last 13 years, a 17 percent decline, at the same time that domestic consumption of oil has increased by more than 14 percent; and

Whereas, Currently, the United States imports approximately 55 percent of the oil needed for the American economy, while the demand for refined petroleum products is projected to increase by more than 35 percent and the demand for natural gas is projected to increase by more than 45 percent over the next two decades; and

Whereas, Much of the nation's greatest potential for future domestic production lies in areas that are currently off limits to oil and natural gas exploration and development, including areas under congressional or presidential moratoria in the federal Outer Continental Shelf (OCS), where vast amounts of oil and natural gas may be available for extraction; and

Whereas, For the first time since 1988, the Minerals Management Service, a bureau of the United States Department of the Interior that manages the nation's oil, gas, and other mineral resources in the OCS, has proposed an OCS lease sale for the eastern Gulf of Mexico, in the portion of the Gulf 100 miles southwest of the Florida Panhandle and 15 miles south of the Alabama coastline; the bureau's tentative schedule calls for bid opening and reading in December 2001; and

Whereas, The oil and gas industry has demonstrated that it can be a good steward of the environment while operating in the Gulf of Mexico; and

Whereas, Oil and gas production from this area of the Gulf of Mexico would help offset current domestic energy production declines and assist the nation in meeting future energy demand; and

Whereas, Numerous positive economic benefits for the State of Texas have been created by oil and gas industry activities in the Gulf, and many of the exploration and production companies that would participate in the OCS Lease Sale 181 are headquartered in Texas as are many of the oil field supply and service companies that would benefit by increased activities; and

Whereas, The economic benefits that would result from oil and natural gas exploration, development, and production of leases acquired in OCS Lease Sale 181 would continue to benefit the State of Texas and all the states bordering the Gulf of Mexico; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby declare support for the Minerals Management Service plan to proceed with the Outer Continental Shelf Lease Sale 181 for the eastern Gulf of Mexico scheduled for December 5, 2001; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the Director of the Minerals Management Service, to the Secretary of the Interior, to the President of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 16: A resolution designating August 16, 2001, as "National Airborne Day".

S. Con. Res. 16: A concurrent resolution expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. LEAHY, Mr. President, for the Committee on the Judiciary.

Ralph F. Boyd, Jr., of Massachusetts, to be an Assistant Attorney General.

Robert D. McCallum, Jr., of Georgia, to be an Assistant Attorney General.

Roger L. Gregory, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Sam E. Haddon, of Montana, to be United States District Judge for the District of Montana.

Richard F. Cebull, of Montana, to be United States District Judge for the District of Montana.

Eileen J. O'Connor, of Maryland, to be an Assistant Attorney General.

Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. SESSIONS):

S. 1197. A bill to authorize a program of assistance to improve international building practices in eligible Latin America countries; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself and Mr. THOMPSON):

S. 1198. A bill to reauthorize Franchise Fund Pilot Programs; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Ms. COLLINS, Mr. BAUCUS, Mr. CHAFEE, Ms. LANDRIEU, Mr. LOTT, Mr. CONRAD, Mr. MURKOWSKI, Mr. ALLARD, Mr. BROWNBACK, Mr. COCHRAN, Mr. DOMENICI, Mr. GRAMM, Mr. ENZI, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. NICKLES, Mr. STEVENS, and Mr. THOMAS):

S. 1199. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and delay rental payments; to the Committee on Finance.

By Mr. CLELAND (for himself and Mr. LIEBERMAN):

S. 1200. A bill to direct the Secretaries of the military departments to conduct a re-

view of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mr. BREAUX, Mrs. LINCOLN, Mr. ALLARD, Mr. THOMPSON, and Mr. GRAMM):

S. 1201. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. THOMPSON):

S. 1202. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006; to the Committee on Governmental Affairs.

By Mr. SCHUMER:

S. 1203. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself, Mr. ROCKEFELLER, Mr. EDWARDS, Mr. BIDEN, Mr. DORGAN, Mr. JOHNSON, and Mr. LEVIN):

S. 1204. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant; to the Committee on Finance.

By Mr. BENNETT:

S. 1205. A bill to adjust the boundaries of the Mount Nebo Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself, Mr. INHOFE, Mr. FRIST, and Mr. MCCONNELL):

S. 1206. A bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 1207. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. DURBIN, Ms. LANDRIEU, Mrs. CLINTON, and Mr. SCHUMER):

S. 1208. A bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. DASCHLE, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BREAUX, Mr. KERRY, Mr. TORRICELLI, Mrs. LINCOLN, Mr. JEFFORDS, Mr. BAYH, Mr. DAYTON, and Mr. LIEBERMAN):

S. 1209. A bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):